



THE CITY OF NEW YORK
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June 24, 2014

BY ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Vaughan Bethea v. City of New York, et al., 14 CV 2134 (FB) (CLP)

Your Honor:

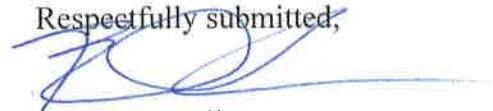
I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. In that capacity, I write to respectfully request until July 8, 2014, to file an answer on behalf of defendants City of New York and Detective Desposito. The reason for this request is that due to scheduling issues, I have been unable to meet with and resolve representation issues with Detective Desposito. While I do not anticipate any issues in that regard, the requested extension, if granted, would allow me to meet with Detective Desposito, resolve representation issues and file a unified answer on behalf of all defendants on the date of the initial conference. Plaintiff's counsel, Baree Fett, Esq., consents to this request.

Additionally, I write to respectfully request permission to appear at the initial conference scheduled for July 8, 2014, at 3:30 p.m., by telephone rather than in person. The reason for this request is that I am scheduled to be on trial in the matter of Scott Eden v. City of New York, et al., 12 CV 5904 (JGK), before the Honorable John G. Koeltl, United States District Judge for the Southern District of New York, beginning on July 14, 2014, until approximately July 18, 2014. As a result, on July 8, 2014, I will be immersed in trial preparation. Should the Court grant this request, it will allow the undersigned to fully participate in the initial conference without having to be taken away from trial preparation for the time it would take to travel to and from the courthouse. After conferring with plaintiff's counsel, we felt that this proposal would be preferable to seeking to adjourn the conference until later in July. Plaintiff's counsel consents to this request as well although Ms. Fett will be present at the courthouse shortly before the

scheduled conference in an unrelated matter and she has requested permission to appear in person – a proposal which has my consent.

In view of the foregoing, it is respectfully requested that the Court grant the within requests. Thank you for your consideration.

Respectfully submitted,



Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: Baree Fett, Esq. (By ECF)
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